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'National security' ruled out as excuse for blocking ITT case

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WASHINGTON — The Justice Department will not use the issue of national security to avoid prosecuting top ITT executives for alleged perjury and fraud charges in connection with their testimony about the company's role in Chile.

Benjamin R. Civiletti told the Senate Judiciary Committee last week that the Central Intelligence Agency has not invoked national security nor has it asked the Justice Department to refrain from prosecuting board chairman Harold S. Geneen and other officials of International Telephone and Telegraph Corp.

Civiletti is scheduled to return this week to face further questioning on his nomination to be deputy attorney general. He has been acting in that post.

According to Sen. James Abourezk, D-S.D., Civiletti told the committee that he "was aware of the April 2 (5-year) statute of limitations" on possible perjury charges against ITT executives

and that "the CIA had made no issue out of the national security question" that the Justice Department says kept CIA Director Richard M. Helms from coming to trial.

Helms pleaded guilty Nov. 1 to two misdemeanor counts of withholding information from Congress and was sentenced to two years in jail and a \$2,000 fine. The jail time was suspended. Helms is the highest intelligence official ever convicted of a crime.

Civiletti confirmed that the ITT executives had been part of the same investigation, which began more than two years ago. The investigation stemmed from allegations of perjury before the 1973 Senate Foreign Relations Committee about joint ITT-CIA efforts to destabilize the 1970 election campaign and later the regime of the late Chilean President Dr. Salvador Allende Gossens. Allende, a Marxist, was killed in a 1973 coup that installed a military dictatorship in Chile.

Abourezk said Civiletti had "committed the administration under oath to the fact that the national security argument

wouldn't be used as an excuse to get these guys off the hook."

The ITT executives and some lower-level CIA officials are facing multiple counts of fraud and perjury for allegedly lying to the foreign relations committee and to the arbitration panel that awarded ITT \$92.1 million dollars in nationalization insurance for its losses in Chile.

Abourezk believes the prosecutions of Geneen, ITT Vice President Edward J. "Ned" Garrity and Robert Berellez, an ITT public relations executive, will "be announced by the second of April if Civiletti is telling the truth."

The senator also said there are "CIA officials who Justice is still looking at, and they, according to Civiletti, will not have national security as a protection from prosecution either."

Justice Department spokesman Robert L. Stevenson confirmed Civiletti's comments before the Judiciary Committee. Abourezk says he "intends to pin down Civiletti on this investigation and to make certain we know all about it. I don't want a repeat of the Richard Helms affair."

EXHIBIT A